

IN RE: PETITION FOR ZONING VARIANCE  
NW/8 Old Pimlico Road, 976' N  
of the c/l of Bare Road  
(6824 & 6826 Old Pimlico Road)  
3rd Election District  
2nd Councilmanic District  
Oscar Schabb Company, Inc.  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-234-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front average setback of 27 feet in lieu of the required 30 feet and a rear yard setback of 23 feet in lieu of the minimum required 30 feet for Lot 2, and a front average setback of 27 feet in lieu of the minimum required 33 feet for Lot 1 all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Richard Schabb, President, appeared and testified. There were no Protestants.

Testimony indicated that the subject properties, known as 6824 and 6826 Old Pimlico Road, consist of .2303 acres and .2679 acres, respectively, zoned D.R. 3.5 and are currently unimproved. Petitioners are desirous of constructing a single family dwelling on lots 1 and 2 as indicated on Petitioner's Exhibit 1. However, the topography of the property makes it impossible to construct a home in strict compliance with the setback regulations and at the same time be in harmony with the surrounding development. Testimony indicated that Petitioners would suffer undue hardship and practical difficulty if the relief requested were denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.2.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of March, 1991 that the Petition for Zoning Variance to permit a front average setback of 27 feet in lieu of the required 30 feet and a rear yard setback of 23 feet in lieu of the minimum required 30 feet for Lot 2, and a front average setback of 27 feet in lieu of the minimum required 33 feet for Lot 1, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

- 2 -

has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 29, 1991

Mr. Richard Schabb, President  
Oscar Schabb Company, Inc.  
P.O. Box 1377  
Brooklandville, Maryland 21022

RE: PETITION FOR ZONING VARIANCE  
NW/8 Old Pimlico Road, 976' N of the c/l of Bare Road  
3rd Election District - 2nd Councilmanic District  
Oscar Schabb Company, Inc. - Petitioners  
Case No. 91-234-A

Dear Mr. Schabb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 and 303.2, paragraph C.1.1 to permit a front average setback of 27 ft. in lieu of the required 30 ft. and a rear yard setback of 23 ft. in lieu of the required 30 ft. for lot #2, and a variance from Section 303.1 to permit a front average setback of 27 ft. in lieu of the required 33 ft. for lot #1 of the Zoning Regulations of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The 30 ft. front and 30 ft. rear setbacks on lot #2, and the 33 ft. front setback on lot #1, which are currently in force, make it impossible to obtain a building permit for a single family dwelling on each lot as sited on the accompanying plat of Summit Overlook which plat was approved by Mr. Robert Sheesley on 10/7/88, and recorded in Liber 8103, Folio 436.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: N/A  
(Type or Print Name)  
Signature: *Richard Schabb*  
Address: *Richard Schabb, President*  
(Type or Print Name)  
City and State: *Brooklandville, Md.*  
Attorney for Petitioner: P.O. Box 1377  
(Type or Print Name) Address: *Brooklandville, Md. 21022*  
City and State: *Brooklandville, Md.*  
Signature: *Richard Schabb*  
Address: *6822 Old Pimlico Rd.*  
City and State: *Brooklandville, Md.*  
Attorney's Telephone No.: *486-2436*  
Address: *6822 Old Pimlico Rd.*  
City and State: *Brooklandville, Md.*

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of March, 1991, at 2 o'clock  
of 11 A.M. that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 17th day of March, 1991, at 2 o'clock

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

(over)

#### DESCRIPTION 0.2679 ACRE PARCEL - LOT 1 "SUMMIT OVERLOOK", NORTHWEST SIDE OF PIMLICO ROAD, BALTIMORE COUNTY, MARYLAND

BEGINNING on the center line of Old Pimlico Road at the beginning of the 0.8437 acre parcel of land described in the deed from Esther Goldberg to Oscar Schabb Company, Inc. dated December 22, 1988 and recorded among the Land Records of Baltimore County in Liber 8078 Page 378, running thence binding on a part of the first line of said land and in or along the bed of Pimlico Road as called for in said deed  
(1) South 22 degrees 50 minutes 40 seconds West 141.74 feet, thence two courses  
(2) North 56 degrees 26 minutes 03 seconds West 119.10 feet and  
(3) North 26 degrees 37 minutes 10 seconds East 61.98 feet to a point on the 6th or last line of said land, thence binding on a part of said last line  
(4) North 85 degrees 45 minutes 45 seconds East 126.84 feet to the place of beginning.  
CONTAINING 0.2679 of an acre of land.

Subject to the widening of Pimlico Road as shown on Baltimore County, Bureau of Land Acquisition Plat HRW 55-042-2 and described as follows:

BEGINNING in Pimlico Road at the beginning of the second line of the above described 0.2679 acre parcel, running thence binding on a part of said second line  
(1) North 56 degrees 26 minutes 03 seconds West 9.23 feet to a point on the northwest right-of-way line of Pimlico Road as proposed to be widened, as shown on Baltimore County, Bureau of Land Acquisition Plat HRW 55-042-2, thence binding on said right-of-way line  
(2) by a line parallel to and distant 30 feet northeasterly from the base line of said Pimlico Road as shown on said plat, northeasterly by a curve to the left with a radius of 325.14 feet, the arc distance of 33.39 feet, the chord of said arc being North 38 degrees 36 minutes 52 seconds East 33.37 feet to a point on the first line of said 0.2679 acre parcel, thence binding on a part of said first line  
(3) South 22 degrees 50 minutes 40 seconds West 33.83 feet to the place of beginning.  
CONTAINING 0.0033 of an acre of land.

Subject also to a sanitary sewer easement, 10 feet wide, as shown on the Plat of "Summit Overlook" attached to and made a part of this deed.  
NCR/sut

HSN Job No.: 40173  
Harris, Smariga & Associates, Inc.  
Frederick, MD (301) 882-4488, Fax (301) 882-4900

#### DESCRIPTION 0.2303 ACRE PARCEL - LOT 2 "SUMMIT OVERLOOK", NORTHWEST SIDE OF PIMLICO ROAD, BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the northwesterly side of Old Pimlico Road at a distance of 976.5 feet more or less northerly from the centerline of Bare Road, running thence and binding on a part of the second line of the land described in a deed from Esther and Goldberg to Oscar Schabb Company, Inc. dated December 22, 1988 and recorded among the Land Records of Baltimore County in Liber 8078 Page 378 (1) South 44 degrees 55 minutes 10 seconds West 92.19 feet, thence four courses  
(2) North 56 degrees 45 minutes 57 seconds West 62.09 feet,  
(3) North 49 degrees 19 minutes 00 seconds West 28.79 feet,  
(4) North 26 degrees 37 minutes 10 seconds East 92.77 feet and  
(5) South 56 degrees 26 minutes 03 seconds East 119.10 feet to a point on the first line of said land, thence binding on a part of said first line  
(6) South 22 degrees 50 minutes 40 seconds West 5.00 feet to the place of beginning.  
CONTAINING 10,034 square feet or 0.2303 of an acre of land.

Subject to the widening of Pimlico Road as shown on Baltimore County, Bureau of Land Acquisition Plat HRW 55-042-2 and described as follows:

BEGINNING in Pimlico Road at the beginning of the first line of the above described 0.2303 acre parcel of land, running thence binding on said first line and on a part of the second line of said land, two courses  
(1) South 44 degrees 55 minutes 10 seconds West 92.19 feet and  
(2) North 56 degrees 45 minutes 57 seconds West 6.32 feet to a point on the northwest right-of-way line of Pimlico Road as proposed to be widened and shown on Baltimore County, Bureau of Land Acquisition Plat HRW 55-042-2, thence binding on said right-of-way line by a line parallel to and 30 feet distant, northwesterly from the base line of said Pimlico Road, as shown on said plat three courses  
(3) Northeasterly by a curve to the right with a radius of 764.35 feet, the arc distance of 35.36 feet, the chord of said arc being North 41 degrees 17 minutes 48 seconds East 35.36 feet,  
(4) North 42 degrees 37 minutes 19 seconds East 55.00 feet and

Harris, Smariga & Associates, Inc.  
Frederick, MD (301) 882-4488, Fax (301) 882-4900

Description - 0.2303 Acres  
HSN Job No.: 40173  
October 29, 1990  
Page 2 of 2

(5) Northeasterly by a curve to the left with a radius of 325.14 feet, the arc distance of 6.05 feet, the chord of said arc being North 42 degrees 05 minutes 20 seconds East 6.05 feet to a point on the fifth line of said 0.2303 acre parcel, thence binding on a part of said fifth line  
(6) South 56 degrees 26 minutes 03 seconds East 9.23 feet, thence binding on the sixth or last line of said land  
(7) South 22 degrees 50 minutes 40 seconds West 5.00 feet to the place of beginning.  
CONTAINING 0.0196 of an acre of land.

Subject also to a sanitary sewer easement, 10 feet wide, as shown on the plat of "Summit Overlook" attached to and made a part of this deed.

Together with the use in common with others the road to be constructed within the 0.0279 acre easement described as part of lot 3 on said plat of "Summit Overlook", said easement described as follows:

BEGINNING in or near the bed of Pimlico Road at the beginning of the third line of the 0.8437 acre parcel hereinabove described, running thence binding on said third line  
(1) North 56 degrees 45 minutes 57 seconds West 59.26 feet, thence  
(2) North 36 degrees 57 minutes 32 seconds East 20.04 feet to the southwest side of lot 2 as proposed, thence binding on said lot 2  
(3) South 56 degrees 45 minutes 57 seconds East 62.09 feet to a point on the second line of said 0.8437 acre parcel, thence binding on a part thereof and in or along said Pimlico Road  
(4) South 44 degrees 55 minutes 10 seconds West 20.42 feet to the place of beginning.  
CONTAINING 0.0279 of an acre of land.

NCR/sut





BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 7, 1991  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Schabb Co., Inc., Item No. 241

In reference to the requested variances, staff offers the following comments:

- Should the petitioner's request be granted, the applicant shall provide landscaped treatment between 6822 Old Pimlico Road and the proposed dwelling, the proposed driveways, and between the two subject dwellings. Any such plan shall be reviewed by the deputy director of the Office of Planning and Zoning prior to the issuance of any permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
ITEM241/ZAC1

received  
2/8/91

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering



401 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

January 11, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Item No. 241 Z.A.C. January 2, 1991  
Dear Mr. Haines:

The proposed right-of-way along the property frontage for Old Pimlico Road needs to be dedicated to Baltimore County at this time.

Very truly yours,

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

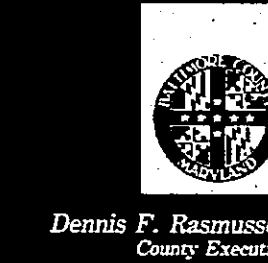
RJF/lvd

received  
1/14/91

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

DECEMBER 26, 1990



J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: OSCAR SCHABB CO., INC.  
Location: #6824 AND #6826 OLD PIMLICO ROAD  
Item No.: 241 Zoning Agenda: JANUARY 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. James Kelly* 12/27/90 Noted and Approved *Captain W. E. Brock* 1/1/91  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JR/KEK

received  
12/28/90

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 31, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for January 2, 1991

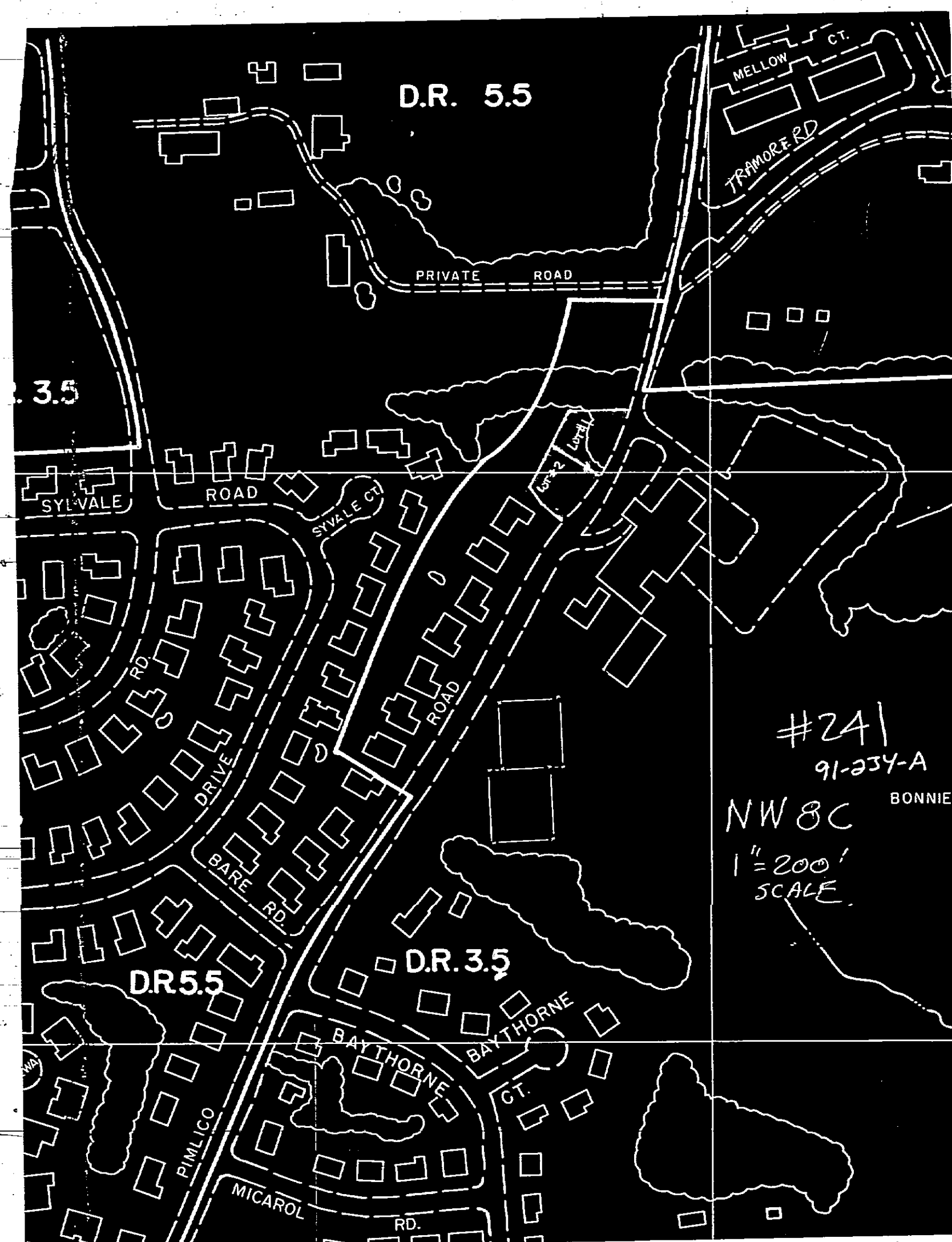
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 229 revised, 232, 234, 235, 236, 237, 238, 239, 240, 241 and 243.

For Items 242 and 249, the previous County Review Group comments are applicable.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

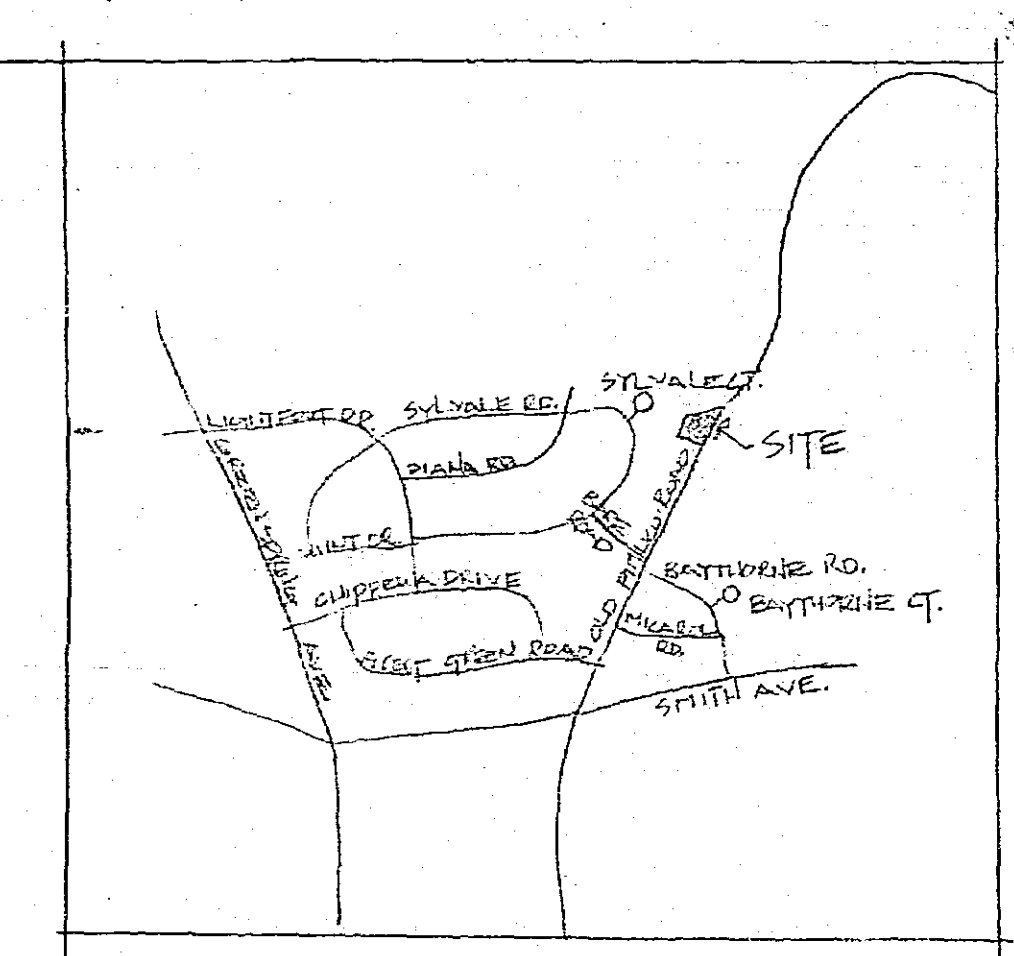
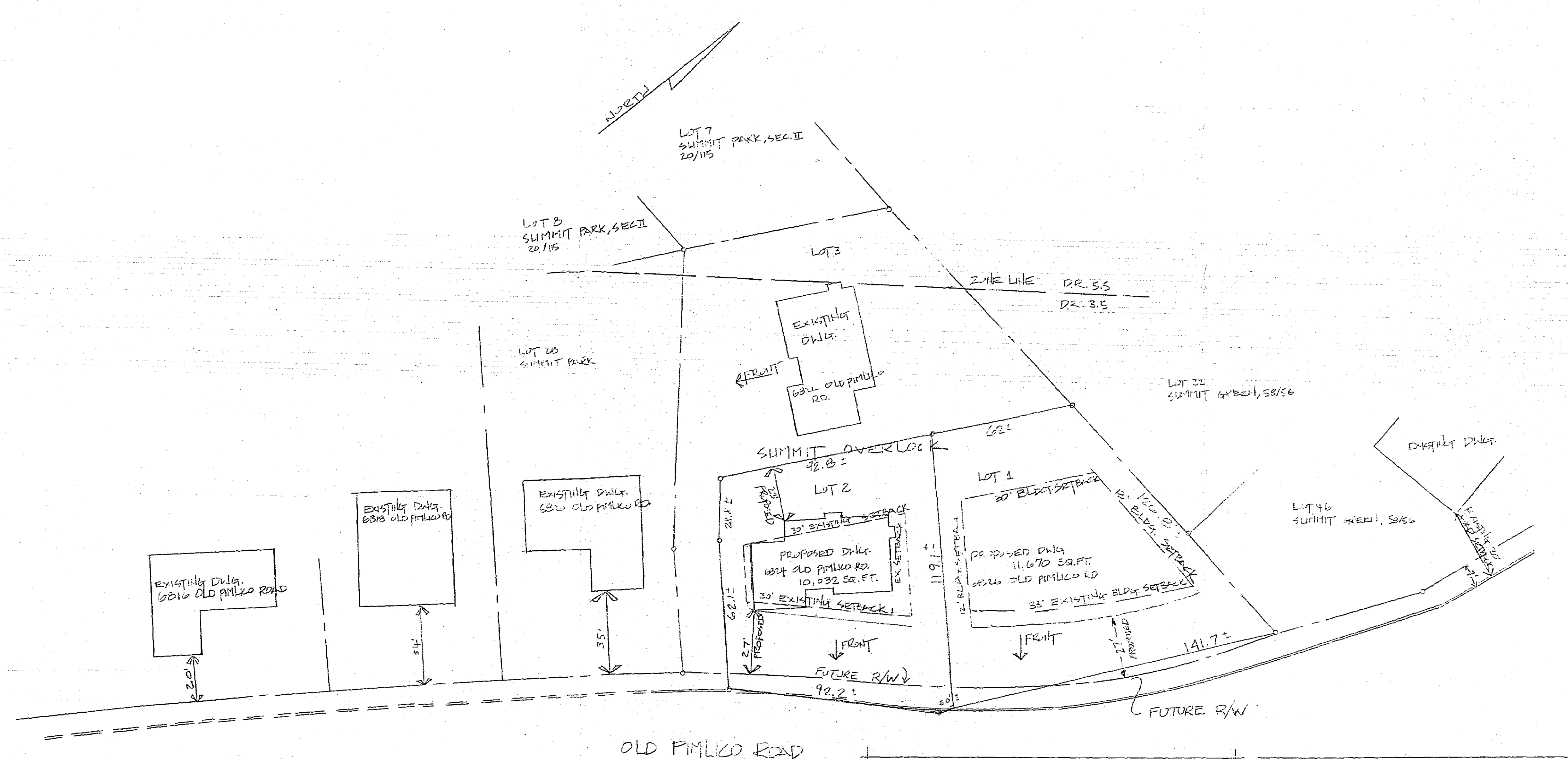
RWB:s

received  
1/8/91





241  
91-234-A



**VARIANCES REQUESTED:**

LOT 1  
FRONT YARD - FROM 30' TO 27'  
SIDE YARD - FROM 30' TO 23'

LOT 2  
FRONT YARD - FROM 33' TO 27'

**LOCATION INFORMATION:**

OWNER: OSCAR SCHWAB & COMPANY  
1200 15TH ST  
CHAMBERS, MD 21017

SUBDIVISION NAME: SUMMIT OVERLOOK, LOT 2  
6824 OLD PIMLICO ROAD

MUNICIPAL DISTRICT: 2  
ELECTION DISTRICT: 3  
SCALE MAP: N.W. - S.C.  
ZONING: DR. 3.5

UTILITIES: PUBLIC WATER - FROM OLD PIMLICO RD  
PUBLIC SEWER - FROM OLD PIMLICO RD  
POWER - ZONING HEARING: NONE  
DESCRIPTION - LIBER 5103, PAGE 403

**LOT AREAS:**

LOT 1 0.2679 ACRES = 11,670 SQ. FT.

LOT 2 0.2303 ACRES = 10,032 SQ. FT.

**SITE PLAN:**  
SCALE: 1"=20'

FRONT SETBACK AVERAGE CALCULATION - LOT 1	
HOUSE LOCATION	SETBACK
6816 OLD PIMLICO ROAD	34'
6820 OLD PIMLICO ROAD	35'
6824 OLD PIMLICO ROAD (LOT 2)	30'
LOT 1, SUMMIT OVERLOOK	33' (AVERAGE OF ABOVE)

FRONT SETBACK AVERAGE CALCULATION - LOT 2	
HOUSE LOCATION	SETBACK
6816 OLD PIMLICO ROAD	20'
6818 OLD PIMLICO ROAD	34'
6820 OLD PIMLICO ROAD	35'
LOT 2, SUMMIT OVERLOOK	30' (AVERAGE OF ABOVE)

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE.**  
**LOTS 1 & 2 - SUMMIT OVERLOOK.**

PREPARED BY: **Harris, Smariga, Matz, Inc.**  
Planners/Engineers/Surveyors  
104 Church Lane, Suite 100/Baltimore, MD 21208  
(301) 486-1511

JOB NO: 40173  
DATE: DECEMBER 11, 1990

**PETITIONER'S EXHIBIT 1**

PRINTS MADE  
DEC 12 90  
HARRIS, SMARIGA, MATZ, INC.